

Conference Abstract

How to regulate access and benefit-sharing: Stakeholder insights on provider country legislation

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Abstract

The over-arching aim of the access and benefit-sharing (ABS) of genetic resources under the Convention on Biological Diversity (CBD) and the Nagoya Protocol is to enable fair distribution of benefits between the users (such as universities and biotech companies) and providers (such as biodiversity-rich countries) so as to both open the doors for innovation and create incentives for biodiversity conservation.

Access to genetic resources is crucial not only for research related to conservation of genetic resources, but essential to many different research disciplines in general. Therefore, access to genetic resources in general as well as benefit-sharing from that access is a key element of the United Nations Sustainable Development Goal 15 Target 6 of the and in order to secure research as well as environmental sustainability and resource availability.

ABS is a rapidly developing and evolving field that is shaped by the implementation of the Parties. This means that the national implementation of the Parties determines how ABS goals are realised and how ABS principles find form within regulatory mechanisms. These principles are found in international legal documents such as the CBD as well as the Nagoya Protocol. Additionally, decisions and guidelines drafted by the Conference of the

Parties to the Convention on Biological Diversity shape these principles that are then to be fulfilled by the Parties when drafting their ABS laws by means of implementing these principles into their national legal systems.

This article reviews a portion of these national ABS laws, implemented by provider countries throughout the world with the aim of describing the different types of regulatory mechanisms provider countries use. This descriptive approach is then followed by an empirical comparative analysis through semi-structured stakeholder interviews in order to identify the most beneficial regulatory mechanisms according to ABS experts that belong in four different stakeholder groups (provider countries, academic users, industrial users and collections).

Keywords

ABS, Nagoya Protocol, genetic resources, natural product research

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